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Attorneys for Plaintiffs

HOLOGIC, INC., CYTYC CORPORATION and HOLOGIC LP

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

HOLOGIC, INC., CYTYC CORPORATION,
and HOLOGIC L.P.,

Plaintiffs,

vs.

SENORX, INC.,

Defendant.

Case No. C08 00133 RMW (RS)

**CIVIL LOCAL RULE 79-5(B), (C) AND (D)
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL (1) PORTIONS OF
PLAINTIFFS' REPLY BRIEF IN SUPPORT
OF PENDING MOTION FOR
PRELIMINARY INJUNCTION AND THE
DAVIS DECLARATION IN SUPPORT
THEREOF, (2) PORTIONS OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO STRIKE,
AND (3) SELECT SUPPORTING EXHIBITS
TO PLAINTIFFS' REPLY AND
OPPOSITION IN THEIR ENTIRETY**

Date: April 21, 2008

Time: 2:00 p.m.

Room: 6, 4th Floor

Judge: Hon. Ronald M. Whyte

AND RELATED COUNTERCLAIMS.

Administrative Motion to File Under Seal
Case No. C08 00133 RMW (RS)

1 PLEASE TAKE NOTICE that pursuant to Civil Local Rule 79-5(b), (c), and (d), Plaintiffs
2 Hologic, Inc., Cytyc Corporation, and Hologic LP (collectively, "Plaintiffs" or "Hologic") hereby
3 move the Court for an administrative order to file under seal (1) designated selections of Plaintiffs'
4 Reply Brief In Support Of Motion For Preliminary Injunction; (2) certain exhibits attached to the
5 Declaration of Katharine L. Altemus In Support of Plaintiffs' Reply Brief In Support Of Motion For
6 Preliminary Injunction; (3) designated selections from the Declaration of Julie L. Davis In Support Of
7 Plaintiffs' Reply Brief In Support Of Motion For Preliminary Injunction; (4) Plaintiffs' Opposition To
8 Objections And Motion To Strike Certain Portions Of The Declaration Of Glenn Magnuson; and (5)
9 Exhibit A attached to the Declaration of Katharine L. Altemus In Support of Plaintiffs' Opposition To
10 Objections And Motion To Strike Certain Portions Of The Declaration Of Glenn Magnuson.

11 The documents listed above contain confidential business information of Plaintiffs and/or
12 Defendant SenoRx, Inc. ("SenoRx"). To date, the parties have not executed a Protective Order that
13 governs how the confidential and proprietary information produced during discovery shall be treated
14 by the parties. Accordingly, until such a Protective Order has been executed and entered by the Court,
15 such confidential and proprietary materials are by operation of Patent Local Rule 2-2 deemed to be
16 "Confidential—Attorneys Eyes Only" materials, unless otherwise agreed by the parties. In compliance
17 with Northern District Civil Local Rule 79-5(b), (c), and (d), Hologic wishes to withhold from the
18 public versions of papers that reference confidential business information from either party.
19

20 For the foregoing reasons, Hologic respectfully requests that the Court enter an order allowing
21 Hologic to file under seal (1) designated selections of Plaintiffs' Reply Brief In Support Of Motion For
22 Preliminary Injunction; (2) Exhibits O, Q, R, U, W, X, Y, Z, AA, BB, CC, DD, EE, FF, GG, HH, II,
23 KK, LL, NN, QQ, XX, YY, and ZZ attached to the Declaration of Katharine L. Altemus In Support of
24 Plaintiffs' Reply Brief In Support Of Motion For Preliminary Injunction; (3) designated selections
25 from the Declaration of Julie L. Davis In Support Of Plaintiffs' Reply Brief In Support Of Motion For
26 Preliminary Injunction; (4) Plaintiffs' Opposition To Objections And Motion To Strike Certain
27
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1 Portions Of The Declaration Of Glenn Magnuson; and (5) Exhibit A attached to the Declaration of
2 Katharine L. Altemus In Support of Plaintiffs' Opposition To Objections And Motion To Strike
3 Certain Portions Of The Declaration Of Glenn Magnuson.
4

5 Dated: April 7, 2008
6

7 By: /s/
Katharine L. Altemus

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9 HOWREY LLP
10 Attorneys for Plaintiffs
11 Hologic, Inc., Cytac Corporation,
12 and Hologic LP
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UNITED STATES DISTRICT COURT
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SAN JOSE DIVISION

HOLOGIC, INC., CYTYC CORPORATION,
and HOLOGIC L.P.,

Plaintiffs,

vs.

SENORX, INC.,

Defendant.

Case No. C08 00133 RMW (RS)

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL (1)
PORTIONS OF PLAINTIFFS' REPLY
BRIEF IN SUPPORT OF PENDING
MOTION FOR PRELIMINARY
INJUNCTION AND THE DAVIS
DECLARATION IN SUPPORT THEREOF,
(2) PORTIONS OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS' MOTION
TO STRIKE, AND (3) SELECT
SUPPORTING EXHIBITS TO PLAINTIFFS'
REPLY AND OPPOSITION IN THEIR
ENTIRETY**

**Date: April 21, 2008
Time: 2:00 p.m.
Courtroom: 6, 4th Floor
Judge: Hon. Ronald M. Whyte**

AND RELATED COUNTERCLAIMS.

[Proposed] Order re Motion to File Under Seal
Case No. C08 00133 RMW (RS)

[PROPOSED] ORDER

The Court, having considered Plaintiffs' Administrative Motion To File Under Seal (1) Portions Of Plaintiffs' Reply Brief In Support Of Pending Motion For Preliminary Injunction and the Davis Declaration In Support Thereof, (2) Portions Of Plaintiffs' Opposition To Defendants' Motion To Strike, And (3) Select Supporting Exhibits To Plaintiffs' Reply And Opposition In Their Entirety, finds that good cause exists pursuant to Civil L.R. 79-5(b), (c), and (d) for the Motion and hereby orders that the Motion is GRANTED in its entirety.

The clerk shall maintain under seal the (1) designated selections of Plaintiffs' Reply Brief In Support Of Motion For Preliminary Injunction; (2) Exhibit EE attached to the Declaration of Katharine L. Altemus In Support of Plaintiffs' Reply Brief In Support Of Motion For Preliminary Injunction; (3) designated selections from the Declaration of Julie L. Davis In Support Of Plaintiffs' Reply Brief In Support Of Motion For Preliminary Injunction; (4) designated selections from Plaintiffs' Opposition To Objections And Motion To Strike Certain Portions Of The Declaration Of Glenn Magnuson; and (5) Exhibit A attached to the Declaration of Katharine L. Altemus In Support of Plaintiffs' Opposition To Objections And Motion To Strike Certain Portions Of The Declaration Of Glenn Magnuson.

It is SO ORDERED.

Dated: _____, 2008

Ronald M. Whyte
United States District Court Judge